

## **Assembly Bill No. 2324**

### **CHAPTER 649**

An act to repeal and add Sections 100505 and 100510 of, and to repeal Section 100515 of, the Health and Safety Code, relating to state property.

[Approved by Governor September 19, 1996. Filed  
with Secretary of State September 19, 1996.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2324, Bates. Real property: University of California: State Department of Health Services.

Existing law authorizes the issuance of revenue bonds for the acquisition and construction or remodeling of office and laboratory facilities of the State Department of Health Services in the City of Richmond.

Existing law requires the department to exchange a parcel of real property located in Berkeley and owned by the department, for a parcel located in Richmond and owned by the Regents of the University of California, subject to various conditions, including, but not limited to, the assent of the regents.

Existing law authorizes the department to acquire alternative facilities in Richmond and either to retain its Berkeley property or to sell it to a private person or entity if the regents do not preliminarily approve the exchange project by June 1, 1995.

This bill would repeal the land exchange provisions described above and would declare the intent of the Legislature that the site be conveyed to the university pursuant to a process mutually agreed to by the department, the Department of General Services, and the regents. It would delete the requirement that each agency shall be responsible for ensuring the property they exchange is free of contamination, and would require the Department of General Services, on behalf of the State Department of Health Services, prior to the vacating of that property to offer to convey title to the property to the university, within a prescribed time period and subject to various reporting requirements concerning contamination of the soil or groundwater and the status of the university's plans for use of the property.

The bill would prohibit the Department of General Services from offering the property to any other entity during the 24 months following the date of the offer to the university. It would authorize the property to be disposed of as surplus property if no agreement is reached between the Department of General Services and the university during the 24-month period.

Existing law requires the department to sell certain Berkeley property to a private entity at the time that the new Richmond laboratory and office facility is occupied.

This bill would delete this provision.

*The people of the State of California do enact as follows:*

SECTION 1. Section 100505 of the Health and Safety Code is repealed.

SEC. 2. Section 100505 is added to the Health and Safety Code, to read:

100505. The Legislature finds and declares all of the following:

(a) It is in the state's interest to utilize fully state real property assets.

(b) The State Department of Health Services intends to vacate its facilities currently located at 2151 Berkeley Way in the City of Berkeley upon completion of new facilities in the City of Richmond.

(c) It is in the state's interest that the University of California be able to consolidate programs proximate to its Berkeley campus.

(d) It is in the state's interest to have the 2151 Berkeley Way property be reused in a manner that contributes to the city's economic vitality.

SEC. 3. Section 100510 of the Health and Safety Code is repealed.

SEC. 4. Section 100510 is added to the Health and Safety Code, to read:

100510. (a) It is the intent of the Legislature that the property at 2151 Berkeley Way in the City of Berkeley be conveyed to the University of California pursuant to a process mutually agreed to by the State Department of Health Services, the Department of General Services, and the University of California.

(b) It is the intent of the Legislature that the University of California consult with the City of Berkeley regarding the planned use of the property at 2151 Berkeley Way, should it be transferred to the University of California. It is also the intent of the Legislature that the property located at 2151 Berkeley Way be reused by the University of California as soon as is reasonably possible after the transfer of title.

(c) Not earlier than 36 months nor later than 18 months prior to the vacating of the property located at 2151 Berkeley Way, the Department of General Services, on behalf of the State Department of Health Services, shall offer to convey title to that property to the University of California on terms and conditions as the State Department of Health Services shall deem reasonable and appropriate. For the duration of 24 months following the date of this offer, the Department of General Services shall negotiate with the University of California, and shall not offer the property to any public or private entity other than the University of California. If, at the end

of the 24-month period following the offer, the Department of General Services and the University of California have not reached final agreement for the conveyance of property, or have not agreed upon an extension of the period, the property may be disposed of as surplus property. Nothing in this section shall be construed to prohibit the parties from reaching an agreement for the conveyance of the property at an earlier date.

(d) The State Department of Health Services shall provide to the University of California copies of all reports produced pertaining to any contamination found that is associated with the soil or groundwater. The State Department of Health Services shall provide those reports within 60 days after they are produced, or, in the case of reports produced prior to January 1, 1997, by July 1, 1997.

(e) Not later than 12 months after the transfer of title of the property at 2151 Berkeley Way to the University of California, the University of California shall offer for sale, lease, or exchange, for uses that are not exempted from taxes, that portion of the property bounded on the west by Shattuck Avenue, on the south by Berkeley Way, on the north by Hearst Avenue, and on the east by a marking of up to 75 feet from the westernmost boundary of the property on Shattuck Avenue. The proceeds of the sale, lease, or exchange shall be credited to the University of California.

(f) Within one year after the transfer of title of the property at 2151 Berkeley Way to the University of California, and annually thereafter, the University of California shall report to the Legislature regarding the status of its plans for the use of that portion of the property that remains in the possession of the University of California. The reporting requirements of this subdivision shall terminate upon implementation by the University of California of its plan for the property.

(g) This section shall not apply to the University of California unless the Regents of the University of California, by resolution, make this section applicable.

SEC. 5. Section 100515 of the Health and Safety Code is repealed.